



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
FREEDOM OF INFORMATION ACT BRANCH  
Washington, D.C. 20570

Via email

September 15, 2023

Re: FOIA Request NLRB-2023-001978

Dear Sidney Lewis (Jones Walker):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on August 21, 2023, in which you initially sought records which have been filed during the past five years: “1. Charges alleging unfair labor practices which have been filed against the Road Sprinkler Fitters Local 669; 2. If any charges identified in No. 1 above resulted in a Notice to employees or an Administrative Law Judge/NLRB determination, provide a copy of the Notice, citation to the Determination if published, and, if not published a copy of the citation and determination; 3. Petitions (RC, RM and RD) which have been filed by the Road Sprinkler Fitters Local 669; and 4. Tallies of ballots involving the elections in Request No. 3 above.” You assumed financial responsibility for the processing of your request in the amount of \$300.00.

We acknowledged your request on August 21, 2023. In email communications on September 12, 2023, where you were informed by a member of the FOIA staff that RD petitions are filed by individuals and not unions, you clarified part 3 of your request to be: “3. Petitions (RC, RM and RD) which *involve* the Road Sprinkler Fitters Local 669.”

A search of the Agency’s electronic casehandling system, NxGen, has been conducted. This search located 71 pages of responsive, releasable records, which are attached, responsive to #1 (charges filed against Road Fitters Local 669), #3 (RC/RD petitions involving Road Fitters Local 669) and #4 (tallies of ballots involving those elections).

After a review of the attached records, I have determined that certain information in the attached records is exempt from disclosure under Exemptions 6 and 7(C) of the FOIA (5 U.S.C. § 552(b)(6) and (b)(7)(C)). Specifically, redactions have been made to protect the privacy interests of individuals named in the records. These redactions were made pursuant to FOIA Exemption 6, which protects personally identifiable information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which protects records or information compiled for law enforcement purposes,

the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C). Please note that information for the individual petitioner in Case 27-RD-278799 is being released on the record because a pre-election hearing was held in this case, at which time the petition became part of the public record.

Finally, please be advised that the search did not locate any records in response to your request #2 for any Notices to Employees or ALJ/Board determinations, or to your request #3 for any RM petitions.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests “from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you “will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought.” 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges are \$9.25 per quarter-hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Three hours of professional time was expended in searching for and reviewing for release the requested material. Accordingly, please remit \$111.00.

Payment Instructions: To submit payment for your FOIA request, please use [www.pay.gov](https://www.pay.gov). From the [www.pay.gov](https://www.pay.gov) home page, scroll down to the bottom left corner to select “Pay a FOIA Request.” Click “See all options” and go to “Filter By Agency” to check the box for the National Labor Relations Board. Continue following instructions on the website. Please remember to include the Invoice Number, which is the NLRB FOIA Case No., and the amount you intend to pay. Further, please be advised that all FOIA payments must be paid in full before any future FOIA requests are processed.

You may contact Jodilyn Breirather, the FOIA Specialist who processed your request, at (414) 930-7208 or by email at [Jodilyn.Breirather@nrlb.gov](mailto:Jodilyn.Breirather@nrlb.gov), as well as the Agency’s FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami, FOIA Public Liaison  
National Labor Relations Board  
1015 Half Street, S.E., 4<sup>th</sup> Floor  
Washington, D.C. 20570  
Email: FOIAPublicLiaison@nrlrb.gov  
Telephone: (202) 273-0902  
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
Email: ogis@nara.gov  
Telephone: (202) 741-5770  
Toll free: (877) 684-6448  
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:  
<https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt, Chief FOIA Officer  
National Labor Relations Board  
1015 Half Street, S.E., 4<sup>th</sup> Floor  
Washington, D.C. 20570  
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop

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the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

*/s/ Kristine M. Minami*

Kristine M. Minami  
Acting FOIA Officer

Attachment(s): 71 pages  
Invoice